IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8333 OF 2005

Shri Ayush Kapur ...Applicant
Vs.
The State of Maharashtra & Ors. ...Respondents

Mrs Geet Luthra for the Applicant.
Shri D.R. More, A.P.P. for the Respondent No.1.
Mrs Mrunalini Deshmukh for the Respondent No.2.

CORAM : R.S.MOHITE, J.
DATE : JANUARY 16, 2006.

P.C.:

1. Heard both sides. Perused the evidence of the Respondent No.2. It appears that the Applicant and the Respondent No.2 who are husband and wife have arrived at consent terms which have been filed on 15.12.2005. As per the consent terms the Applicant has deposited the amount of Rs.16,65,000/- towards permanent maintenance of the Respondent No.2 and his child and the decree of divorce has been passed on 16.12.2005. One of the terms provided for in the consent terms is that the Respondent No.2 is to co-operate in getting criminal case pending between the parties being the Case No.41/PW/04 on the file of the Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, quashed. Taking into account the fact that husband and wife have dissolved their dispute, it would not be desirable for the said criminal case to

continue. Accordingly, the proceedings in case No.41/PW/2004, presently bearing case No.3665/PW/05 pending on the file of the Metropolitan Magistrate, 22nd Court, Andheri, Mumbai are quashed and in the circumstances, the Respondent No.2 will be entitled to withdraw the amount deposited in terms of consent terms. Application stands disposed of accordingly.

. Authenticated copy be given to the parties expeditiously.

JUDGE